



City of Chicopee, Massachusetts

License Commission

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Donald Goulette
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Minutes for April 16, 2009 6:00 PM

In attendance: Chairman Pagel, Commissioner Borowiec, Beaulieu and Goulette. Also in attendance Attorney Kevin Corridan.

Minutes for March are presented to the Board. Commissioner Beaulieu makes a motion to approve. Commissioner Borowiec seconds. Motion approved 4-0.

Hearing for Maximum Capacity, 116 School St for police reports. In attendance: Officer Alan Fisher, Don Robert, Don Robert, Jr, Joe Perlik. Chairman Pagel states that the purpose of this hearing is for reports of possible violations of M.G.L. Chapter 138§69 Sale or delivery to intoxicated persons and possible violations of M.G.L. Chapter 138§34 Sale, delivery or furnishing alcoholic beverages to persons under twenty-one years of age. The official transcript of this hearing is the tape being recorded. Officer Fisher reads police reports to the Commission indicating that 2 under aged patrons were arrested or held in protective custody. Chairman Pagel also reads a report for the Commission concerning an intoxicated patron. This report states that it should be forwarded to the License Commission for review but it was never received by this Commission until we requested a police log for this location. A discussion follows with Mr. Robert, Jr stating that in the reports that were read he was never questioned by the officers and he was present for all these incidents. There are 16 security cameras on the premises and both males were observed entering the premise and being carded, one male was asked to leave immediately and the wrist bands were not removed and he was not seen for at least 2 hours before being arrested. And all patrons are carded at the door regardless of age. As for the other police report they were not informed of the incident. They could have checked the video footage to see if this person was actually at the bar. The parking lot is also used by patrons of other bars in the area and could have come from one of those establishments. As for the under aged report there was an altercation with the bouncer and the subject ran away because a bartender identified him as being under age. He could have thrown away his ID away at that time. This incident was handled by staff security and the police were asked for assistance. Chairman Pagel states that the reports indicate that there were wrist bands on these individuals stating they were of age and that police officers report stated they did detect the smell of alcohol on their breath. Commissioner Goulette also says that the wrist bands state the individuals are over 21 and they were proven to be under 21. He questions how they are receiving the wrist bands. Mr. Robert, Jr states there is no proof whether they had a fake ID at that time because neither party was arrested inside the bar. He also informs the Board in the past 6 weeks they have confiscated over 16 fake ID's that have been turned into the police department. These fake ID's look very similar to the patrons. They have refused patrons who do not have an ID no matter the age. Chairman Pagel asks how the ID's are checked visually or some other method. Mr. Robert, Jr confirms it is visual but they do have an ID scanner but there are a lot of instances where they are real ID's so the scanner would not pick it up as a fake. Commissioner Borowiec states he has concerns with the wrist bands, he also does not feel an intoxicated or under aged patron would leave the bar and throw away an ID. Mr. Robert states that the patrons have to go through 2 security checks before receiving the 2 bands and that it is unlikely that 2 employee's missed an ID and that patrons under 21 are not allowed in the downstairs bar. Chairman Pagel questions why these individual would throw away the ID and Mr. Robert, Jr says they can lose their license if they are caught with a fake ID. Chairman Pagel

brings up the issue that the ABCC has previously found them to be in violation of these same offenses. And he is seeing a trend here. Commissioner Goulette states that after reading the police reports that the security checks they have in place have failed. Mr. Robert states that they are the only bar that has turned in fake ID's and they are hiring police details and are going above and beyond. Chairman Pagel states that they are also the only bar that has the volume they have and maybe they should have an Ultra Violet scanner system in place or a better security system. Mr. Robert, Jr states they have the system but it is a slow process. Mr. Robert states that the system would not pick up a real ID that is being used by a sibling or family member. Officer Fisher states what they are trying to say is that in some instances individuals are using the IDs of a sibling or family member so there is a strong resemblance and they are real IDs. Mr. Robert, Jr feels they are being singled out and punished when they are being proactive. And they are the only bar in the city that hires detail officers and have security checks. And the reason that these offenses are being caught is because they do hire detail officers. Chairman Pagel questions the fact that there was a patron who was charged with DUI and Mr. Robert, Jr states that it was the officers they hired who caught this offense. And that it happened in a parking lot across the street and there are other bars in the area. Chairman Pagel questions if there was a wrist band on this person and Mr. Robert, Jr states that no one else uses wrist bands. Commissioner Goulette questions the fact that a 19 year old can get in the establishment whether he's using a real or fake ID, if you're looking at this person's face you can not tell if he's under aged. The law states that if he looks 27 ask him for an ID. Mr. Robert, Jr states they did ask for an ID. Mr. Robert states he did look 21 years of age like what was on the ID and there are several 19 year olds that look like they are 25 years of age. Mr. Robert, Jr reiterates that they have confiscated many fake ID's in the past weeks. Commissioner Goulette feels the word has spread for kids to go to Maximum Capacity. Mr. Robert informs the Board that he has several bartenders who are 20 years old and they have told him they can get served in other city bars because they do not have detail officers or the security in place that he has. Chairman Pagel informs him that we have not received police reports of any violations or they would be called in for a hearing just as he has been. Mr. Robert, Jr states they can bring in several city police officers who work details that can testify they do work harder than any other bar in the city to prevent the problems like the ones in Springfield. Chairman Pagel states he is not comparing them to any other establishment. Mr. Robert feels they are being punished for being proactive. Chairman Pagel states that this establishment is before the Board more than any one else. Mr. Robert's states that other bars do not hire the police officers like he does and he could save himself a lot of money by not hiring the police. Mr. Robert, Jr states they know about incidents at other bars that do not get reported. Chairman Pagel states this Board reacts to the police reports that this Board receives. Mr. Robert again states that if they did not hire police officers they would not be in for a hearing. Chairman Pagel also reiterates that the volume of his business plays a part in this also. Commissioner Borowiec makes reference to their previous location when there were also issues. Mr. Robert, Jr states they are trying to be proactive now and are being punished for it. Commissioner Goulette states there is a pattern emerging and they don't like the pattern. Chairman Pagel asks the Board if they feel there is a finding of violations. Commissioner Beaulieu makes a motion that there is sufficient evidence of a finding. Commissioner Goulette seconds. Motion approved 4-0. Commissioner Beaulieu makes a motion to suspend all the licenses (Restaurant All Alcohol, Common Victualer, Weekday and Sunday Entertainment and Automatic Amusements) issued by this Board based on the police reports for a period of 5 days for violations of M.G.L. Chapter 138§69 Sale or delivery to intoxicated persons and violation of M.G.L. Chapter 138§34 Sale, delivery or furnishing alcoholic beverages to persons under twenty-one years of age. Commissioner Borowiec feels that the 5 day suspension is too severe. Commissioner Goulette reminds the Board that there can be a 3 day suspension for each violation and that would mean 9 days. Chairman Pagel concurs with Commissioner Goulette concerning the 3 day per violation but finds that to be a steep penalty but is concerned that 5 days might be too lenient. Commissioner Goulette seconds the 5 day suspension motion. Motion approved 3-1. Commissioner Borowiec opposed. The suspension will be served April 29 through May 3, 2009. This concludes the hearing for Maximum Capacity.

Discussion of Special One Day permits fees. Chairman Pagel suggests to the Board that only the fees for charitable functions be waived. And that the application will have the fundraising activity on it. Commissioner Beaulieu makes a motion to waive the fee only for charitable functions. Commissioner Borowiec seconds. Motion approved 4-0.

Renewal of a Seasonal All Alcohol Club license for Eagles, 17 Sheridan St with Lionel Charette as manager. Commissioner Borowiec makes a motion to approve. Commissioner Beaulieu seconds. Motion approved 4-0.

Application for a 2009 renewal of a Mobile Common Victualer for Cool Treats with Vito Dell'Aera as manager. Commissioner Beaulieu makes a motion to approve. Commissioner Borowiec seconds. Motion approved 4-0.

Application for a 2009 renewal of a Common Victualer for Quality Inn, 463 Memorial Dr with Yogi Rana as manager. Commissioner Borowiec makes a motion to approve. Commissioner Goulette seconds. Motion approved 4-0.

Application for a Special One-Day Permit (Wine & Malt) for St. Stanislaus Basilica, 534 Front St for a 20th Anniversary Party to be held on Sunday May 31 from 1:00 PM until 9:00 PM with Agnes Czarniecki as applicant. Commissioner Beaulieu makes a motion to approve. Commissioner Goulette seconds. Motion approved 4-0.-CANCELLED

Application for a Special One-Day Permit (Wine & Malt) for St. Patrick's Church, 319 Broadway for a Wine & Beer Tasting Fundraiser to be held on Saturday May 16 from 5:00 PM until 7:00 PM with Fr. Turner as applicant. Commissioner Beaulieu makes a motion to approve and waive the fee. Commissioner Goulette seconds. Motion approved 4-0.

Application for an additional Automatic Amusement (1- Skill Touch) for Portuguese Club, 147 Exchange St with Joseph Francisco as manager. Commissioner Borowiec makes a motion to approve. Commissioner Goulette seconds. Motion approved 4-0.

Late Files

Application for an additional Automatic Amusement (1- Dart) for Auditorium Pub, 52 Gladdu Ave with Curt Mandeville as manager. Commissioner Beaulieu makes a motion to approve. Commissioner Goulette seconds. Motion approved 4-0.

Application for a Special One-Day Permit (Wine & Malt) for St. Stanislaus Basilica, 534 Front St for the Divine Mercy Family Celebration to benefit the Roof Fund to be held on Sunday April 19 from 3:00 PM until 7:00 PM with Fr. Zielke as applicant. Commissioner Borowiec makes a motion to approve and waive the fee. Commissioner Beaulieu seconds. Motion approved 4-0.

Application for a Special One-Day Permit (Wine & Malt) for Patti's Four-Ten, 32 Quincy Ave for the Annual Golf Tournament to be held on Saturday May 16 from 10:00 AM until 10:00 PM with Patti Bousquet as applicant. Commissioner Beaulieu makes a motion to approve. Commissioner Borowiec seconds. Motion approved 4-0.

Application for a Mobile Common Victualer for Malika Allaf (new). Commissioner Beaulieu makes a motion to approve. Commissioner Goulette seconds. Motion approved 4-0.
Filing fees are read into the record by Commissioner Borowiec.

Chairman Pagel informs the Board of the following ABCC approvals: Change of Manager for Friendly Liquors, 65 Main St and Change of Officers/Directors for Castle of Knights, 1599 Memorial Dr.

Commissioner Borowiec makes a motion to adjourn. Commissioner Goulette seconds. Motion approved 4-0. Meeting adjourns at 6:40 PM